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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/816,625

04/02/2004

Naoyuki Kawachi

16CT02223

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7590
Patrick W. Rasche
Armstrong Teasdale LLP
Suite 2600
One Metropolitan Square
St. Louis, MO 63102

11/24/2009

EXAMINER

BOR, HELENE CATHERINE

ART UNIT

PAPER NUMBER

3768

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/816,625	Applicant(s) KAWACHI ET AL.	
	Examiner HELENE BOR	Art Unit 3768	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :04/02/2004, 06/13/2006 & 02/21/2007.

DETAILED ACTION

Acknowledgement of Preliminary Amendments

1. For the record, acknowledgement is made of the applicant's preliminary amendments to the specification and the claims under 37 CFR 1.115.

Claim Objections

2. Claim 5, 9 & 11 are objected to because of the following informalities: The claim language states, "an X-ray CT (computed tomography scanning) and a MRI (magnetic resonance imaging) apparatus". The Examiner believes "or" is more appropriate as the Applicant means either device can act as the medical imaging apparatus. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6-8, 10 & 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Hu et al. (US Patent No. 6,621,918).

Claims 1, 3 & 7: Hu teaches an image generator program providing apparatus for sending an image generator program [rendering method and the rendering parameters used by the rendering method] (Col. 4, Line 58-65) to a receiver apparatus [data

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transmitting station] (Figure 1, Element 100), said image generator program configured to generate [render] images of a subject Figure 1, Element 12 & Col. 5, Line 64 - Col. 6, Line 16), each said image based on parameters having a different setting value and captured data obtained from said subject (Col. 6, Line 56 - Col. 7, Line 5). Hu teaches a communication device for communicating with said receiver apparatus (Figure 1, Element 200). Hu teaches a controller device [receiving station and user interface] (Figure 1, Element 300 & 32) for sending to said receiver apparatus [transmitting station] (Figure 1, Element 100) through said communication device [network] (Figure 1, Element 200) a plurality of said images generated by executing said image generator program with different setting values of said parameters (Col. 11, Line 19-40), and for sending, in accordance with the result of selection received through said communication device on the images desired by said receiver apparatus, said image generator program having the setting values of said parameters configured to comply with the selection result to the receiver apparatus through said communication device (Col. 11, Line 19-40 & 50-55).

Claims 2, 4 & 8: Hu teaches wherein said controller device generates images having image display characteristics selectable in compliance with each of setting values of said parameters based on the result of processing by said image generator program configured to have different setting values of said parameters, sends thus generated images to said receiver apparatus through said communication device, and based on the result of selection by said receiver apparatus on the images desired thereby, sends an image generator program having setting values of said parameters configured to

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comply with said selection result through said communication device to said receiver apparatus (Col. 6, Line 56 - Col. 7, Line 5 & Col. 11, Line 19-40 & 50-55). Hu teaches said second controller device (Figure 1, Element 18) selects desired images based on said images received from said originator apparatus [receiving station] (Figure 1, Element 300) to send (Figure 1, Element 200) the result of selection back to said originator apparatus (Figure 1, Element 32).

Claims 6, 10 & 12: Hu teaches an image generator program providing apparatus wherein said parameters includes parameter relating to the image reconstruction (Col. 11, Line 19-40) and said controller device executes said image generator program with different setting values of said parameters to generates a plurality of images, and send them to said receiver apparatus (Col. 11, Line 19-40 & 50-55 & Figure 1, Element 12 & 16).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 9 & 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hu et al. (US Patent No. 6,621,918) as applied to claims 1-4, 6-8, 10 & 12 above, and further in view of Gurr (US Patent No. 6,975,113 B1).

Claims 5, 9 & 11: Hu teaches the image generation program as being executed on a desktop computer (Col. 10, Line 46). Hu fails to teach the image generation program

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being executed on MRI or X-ray CT apparatus. However, Gurr teaches an image generator program providing apparatus wherein said image generator program is executed on a medical imaging apparatus including an X-ray CT (computed tomography scanning) and an MRI (magnetic resonance imaging) apparatus, which at least scans said subject to generate said captured data (Col. 7, Line 43-47) as an alternative expedient in the art of computing. The MRI computer of Gurr is capable of processing the image generation program in a similar manner to the desktop computer of Hu. It would have been obvious to one of ordinary skill in the art to replace the desktop computer of Hu with the MRI computer as taught by Gurr as an alternative in the art of computing.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US Patent No. 6,362,620 B1 & US Patent No. 6,577,753 B2.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELENE BOR whose telephone number is (571)272-2947. The examiner can normally be reached on M-T 8:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long V. Le can be reached on (571)272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eric F Winakur/
Primary Examiner, Art Unit 3768